IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

WRIT PETITION NO. 3053 OF 2005 .

Bombay Hospital Trust ... Petitioner.
V/s.
Rita Munwani ... Respondent.

Mr. C.U. Singh i/b Sanjay Udeshi for the petitioner.

Mr. J.P. Cama with Ms. S.V. Kher for the respondent.

CORAM : V.C.DAGA, J.

DATED : 01.02.2006.

P.C. :

. Heard.

2. Both the parties agree that this Court need not go into merits or demerits of the issue and set aside the impugned award passed by the VII Presiding Officer of the Labour Court, Mumbai, without examing merits and demerits thereof and without recording any reasons in support of this order, and should remand the matter back to the Labour Court for decision afresh in accordance with law, in view of the fact that a technical issue is involved in the petition as to the authority to sign judgment by a successor Judge.

3. In view of the joint prayer made, the impugned Award passed by the Labour Court dated 5.8.2005 is set aside and the matter is remitted

back to the Labour Court, Mumbai, for decision afresh within 6 weeks from the date of receipt of copy of this order. All rival contentions are kept open. If the Presiding Officer of VII Labour Court is not available, it would be open for the President, Industrial Court, to assign this matter to any other Judge whosoever may be available.

4. The interim relief granted by the learned Single Judge of this Court, while disposing of Writ Petition No.1226/2002 by order dated 30.3.2005 (para 12) shall continue. Both the parties agree that it would not be necessary to record fresh evidence and the matter can be argued on the material available on record.

. Petition accordingly stands disposed of in terms of this order with no order as to costs.

. Office is directed to return the original record received from the Labour Court.

(V.C.DAGA,J.)